

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**C.A. NO. 1:17-CV-12173-RWZ**

RAOUL MARRADI,

Plaintiff

v.

NICOMAR, INC. and  
CHICCARELLI REAL ESTATE, INC. 1,

Defendants

**ANSWER OF NICOMAR, INC.**

NOW comes the Defendants, Nicomar, Inc. (the “Defendant”), in the above-captioned matter and answer the Plaintiff Raoul Marradi’s Complaint as follows:

1. The Defendants admit so much of paragraph one as it asserts subject matter jurisdiction, and denies the remainder.
2. The Defendants lack sufficient information upon which to form a belief as to the truth of paragraph two concerning the Plaintiff’s residency and disabled status and call upon Plaintiff to prove same, and denies the remainder.
3. The Defendant lacks sufficient information upon which to form a belief as to the truth of paragraph three, and therefore denies same.
4. Denied.
5. Denied.
6. The Defendant admits that it conducts business in this judicial district and is the lessee of the premises and denies the remaining allegations.
7. The provisions of 42 U.S.C. 12101, et seq., for themselves. To the extent an answer is required, the Defendant denies same.
8. The provisions of 42 U.S.C. 12101, et seq., and its legislative history, speak for themselves. To the extent an answer is required, the Defendant denies same.

9. The provisions of 42 U.S.C. 12101, et seq., and its legislative history, speak for themselves. To the extent an answer is required, the Defendant denies same.
10. The provisions of 42 U.S.C. 12181 and the regulations promulgated thereunder speak for themselves. To the extent an answer is required, the Defendant denies same.
11. Admitted.
12. The provisions of 42 U.S.C. 12181 and the regulations promulgated thereunder speak for themselves. To the extent an answer is required, the Defendant denies same.
13. Denied.
14. Denied.
15. The Defendants lack sufficient information upon which to form a belief as to the truth of paragraph fifteen, and therefore deny same.
16. Denied.
17. The Defendants currently lack sufficient information upon which to form a belief as to the truth of paragraph seventeen and each of its subparts, (a)-(n), and therefore deny same.
18. No response required; to the extent an answer is necessary, the Defendants deny same.
19. Denied.
20. Denied.
21. Denied.
22. The Defendants lack sufficient information upon which to form a belief as to the truth of paragraph twenty-two, and therefore deny same.
23. No response required; to the extent an answer is necessary, the Defendants deny same.

The remainder of the allegations contain prayers for relief to which no response is necessary. To the extent a response is necessary, the Defendants deny same.

**AFFIRMATIVE DEFENSES**

**FIRST DEFENSE**

The Plaintiff's claims are barred or limited by Fed. R. Civ. P 12(b)(6) for failure to state a claim upon which relief may be granted.

**SECOND DEFENSE**

The Plaintiff's claims are barred or limited because he does not intend to return to the premises.

**THIRD DEFENSE**

The Plaintiff's claims are barred or limited because the work sought to be compelled is not readily achievable.

**FOURTH DEFENSE**

The Defendants raise as a defense every other matter constituting an avoidance or affirmative defense.

**FIFTH DEFENSE**

The Plaintiff's claims are barred by the statute of limitations.

**SIXTH DEFENSE**

The Plaintiff's claims are barred or limited by the doctrine of unclean hands.

**WHEREFORE**, the Defendant demand that the Complaint be dismissed, the Court award costs and attorney's fees to the Defendants, and order such further relief as the Court deems just and proper.

Respectfully Submitted,  
**NICOMAR, INC.,**  
By their attorneys,

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was filed with the Clerk of Court and served upon all parties of record through the CM/ECF system on December 8, 2017 to the following:

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/s/ Peter B. Morin

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Peter B. Morin